

Electoral campaign for the second round more apathetic, but still marked by misuse of administrative resources



Promo-LEX Association published on Friday, 17 November, the Report no. 5 of the Observation Mission for the Local Elections from 5 (19) November 2023, which presents findings on the work of electoral bodies, examination of contestations and notifications, performance of competitors, including their financial reporting, as well as use of hate speech in the campaign for the second round of local elections.

Recount of ballots. Validation of mandates

CEC has ordered for 10-12 November 2023 the recount of ballots in 18 electoral constituencies. Promo-LEX OM observed 57 ballot recount procedures, monitoring the degree of compliance

by the bureau members during the recount. It was found that in more than 42% of cases the voter lists were not checked and in about 25% of the observed cases there was no compliance with the requirement that only one EBPS member should present the ballot papers to all participants. In one case (PS 9/4) the observer was prevented from receiving certified copies of the minutes.

Regarding the results of the recount, we note that the differences in votes were not significant. Relatively higher values were found in only two cases. In the recount of the ballots for the local councils of level I, in the town of Calarasi and in the commune of Mileştii Mici (Ialoveni) differences of about 17 votes were found for PDCM and PSDE candidates, without affecting the distribution of mandates.

From 10 November 2023, the process of confirming the legality of elections and validating the mandates of local elected representatives by the electoral constituency councils began. It should be noted that the involvement of ECEC in this process is a novelty in the electoral legislation, as previously this procedure used to be carried out by the courts.

Promo-LEX OM observed several ECEC meetings and notes that the process of validating mandates generally went according to the normative provisions.

More electoral contestations, but most rejected or inadmissible

According to Promo-LEX observers, in the period 5-15 November, at least 150 contestations and notifications were submitted to electoral bodies (ECEC I – 16, ECEC II – 79 and CEC – 55). Their number has significantly increased compared to previous monitoring periods. Most of the contestations related to vote counting and tabulation, confirmation of the legality of elections, illegal electoral campaigning, use of

administrative resources and illegal campaign financing.

As regards the solutions issued, we note that the majority were either rejected or declared inadmissible (49 – at ECEC level and 44 – at CEC level). The deadlines for resolution were not respected in all cases.

A more apathetic electoral campaign

Involving a much smaller number of candidates, the electoral campaign for the second round of the local general elections was more apathetic than that on the eve of the first round and focused mainly on meetings with voters, which accounted for 57% of the total 53 campaign activities observed.

Most activities were carried out by PAS – 45%, followed by PSRM and PN – 12% each. Of the total activities observed, most were organised in Balti – 32%, Ungheni – 15% and Floresti – 10%.

Promo-LEX OM found at least 19 cases that can be qualified as misuse of administrative resources. All of them were in favour of PAS candidates. These include involvement of President Maia Sandu in the local general elections (3 cases) and participation of Prime Minister Dorin Recean (14 cases) and Minister of Infrastructure and Regional Development Andrei Spinu (2 cases) in campaign activities.

According to Promo-LEX OM, the involvement of the President, the Prime Minister and other public officials in electoral campaign activities violates the principle of clear separation between state institutions and political parties and does not ensure equal opportunities for electoral competitors.

Campaign financed mainly from parties' budget allocations

According to CEC's website, for the period 8 – 10 November 2023, out of the 17 political parties and 3 ICs that submitted financial reports, only 9 political parties and 2 ICs declared

revenues, amounting to a total of 646,119 lei. In the case of other electoral competitors, no revenues were accrued for the monitored period. Most revenues were reported by PAS – 73%, followed by PN – 14% and PDCM – 4%. The largest share of revenues (74%) is again transfers from the current accounts of political parties, mainly allocations from the state budget.

In the period 8 – 10 November 2023, 11 political parties and 1 IC reported expenditures in total amount of 954,095 lei. The most expenditures were reported by PAS – 70%, followed by PSRM – 15% and PN – 8%.

Following the civic monitoring, Promo-LEX OM estimated that at least 35,401 lei were not spent on electoral activities carried out by 8 political parties. Of the total estimated unreported expenditures, 41% were for PSDE, 22% – PSRM and 18% – PDCM.

According to destination of expenditures estimated as unreported, most were for promotional materials – 41%, followed by social media advertising – 32% and internet advertising – 18%.

During the monitoring period, at least 2 cases of „third party” involvement in financing electoral advertising on social media were found. In this context, Promo-LEX OM reiterates its recommendation that the Electoral Code should regulate political and electoral financing by „third parties”.

Hate speech emphasised

In the period 30 October – 12 November, Promo-LEX identified at least nine cases of hate speech, including two that took a more serious form of manifestation – justifying violence and threats. Another two cases were sexist language and the remaining five took the form of discriminatory language about mental disabilities.

In most instances, the cases identified were based on

„political affiliation” and were directed against politicians, members of political parties and their supporters. These nine cases were distributed 1,735 times and had more than 651,000 views.

Please note that on the day of the second round of elections, Promo-LEX OM will delegate a static observer in 174 polling stations and in the other 442 polling stations – the electoral process will be observed by 49 mobile teams of two observers each.

See the full report *here*.

The report was prepared with the financial support of the United States Agency for International Development (USAID) under the Democratic, Transparency and Accountability Programme and of the European Union under the project „Strengthening the electoral legislative framework and assessing its implementation during the 2023 general local elections”.